

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE:

TIMOTHY SCOTT KILDOW

CASE NO. 16-50628

CHAPTER 13

DEBTOR

JUDGE JOHN E. HOFFMAN JR.

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**OBJECTION TO CONFIRMATION**

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TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now Faye D. English, Chapter 13 Trustee and objects to confirmation of the plan and would show this Court that in the above-referenced case the Court should enter an order denying confirmation for the reasons set forth below and dismissing the case pursuant to 11 USC §1307(c) for the following:

X The Chapter 13 Statement of Financial Affairs, Plan, Means Test, or Schedules must be amended to reflect the changes in the following areas: Plan is not feasible as monthly plan payments in months 1 to 4 fail to satisfy monthly payments to secured creditors and fees. Income from The Club is not disclosed. Plan Special Provisions 5, 6, and 10 fail to provide: terms of the mortgages, balances, and maturity dates. Plan Special Provision 9 fails to identify the total amount of the debt. Plan Special Provision 10 lacks specificity regarding the real property addressed therein.

X Payments due pursuant to U.S.C. § 1326 (a)(1) and § 1325 (a)(2) have not been made. Plan payments are delinquent.

X The Debtors have not filed their Federal and/or State income tax return for the following year(s): 2014.. Therefore the Debtors are not able to meet the burden of proving that the Plan complies with 11 U.S.C. § 1322 (a)(2).

X The Debtor has failed to file or provide all of the information required under 11 U.S.C. § 521 (a),(b),(e),(f) and (h). Specifically, the Debtor has failed to file or provide the following: 2013, 2014, and 2015 income tax returns needed. Real estate appraisal needed. Twelve month profit and loss, along with ongoing business operating reports needed. Balance sheets for all businesses are needed.

X Debtor(s) have failed pursuant to 11 USC §521(a)(1)(B)(iv) or 11 USC §521(e)(2)(A)

**(i) to provide the Trustee copies of all payment advice(s) or other evidence of payment(s) received within 60 days before the date of the filing of the petition and/or a copy of the Federal income tax return required under applicable law or a transcript of the return. Counsel and debtor(s) are put on notice that the Trustee will request dismissal of all cases where this is not remedied at least five days prior to confirmation.**

Wherefore, the Trustee prays the Court deny confirmation for the reasons set forth and the case be dismissed or converted to Chapter 7, whichever shall be determined in the creditor's best interest.

Dated: 3/31/2016

Respectfully submitted,

/s/ Faye D. English

Faye D. English  
Chapter 13 Trustee  
One Columbus  
10 West Broad St., Suite 900  
Columbus, OH 43215-3449  
Telephone: 614-420-2555  
Facsimile: 614-420-2550

<b>CERTIFICATE OF SERVICE</b>
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I hereby certify that a copy of the foregoing Objection To Confirmation was served on the following registered ECF participants, electronically through the Court's ECF System at the e-mail address registered with the Court, or by ordinary U.S. mail, postage prepaid, on this date.

Dated 3/31/2016

/s/ Faye D. English

Electronically signed by  
Faye D. English, Chapter 13 Trustee

By the Court's ECF System:

Asst. U.S. Trustee  
Faye D. English, Chapter 13 Trustee  
Marshall D Cohen Esq, Attorney for Debtor

By ordinary U.S. Mail addressed to:

Timothy Scott Kildow  
320 W Center St  
Marion, Oh 43302